

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JASON E. OTT,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of the Social Security  
Administration,

Defendant.

8:12-CV-71

MEMORANDUM AND ORDER ON  
APPLICATION TO PROCEED IN  
FORMA PAUPERIS

The plaintiff, a non-prisoner, has filed an Application to Proceed in Forma Pauperis (filing [2](#)). The allegations in the application would sufficiently prove the plaintiff's eligibility to proceed in forma pauperis, if properly supported. However, an application to proceed in forma pauperis must be supported by an *affidavit* containing the required information. *See*, [28 U.S.C. § 1915\(a\)\(1\)](#); [NECivR 3.3\(a\)](#); [Nerness v. Johnson](#), 401 F.3d 874 (8th Cir. 2005). An "affidavit" is a written statement "the truth of which is *sworn* to before someone who is authorized to administer an oath." *See Elder-Keep v. Aksamit*, 460 F.3d 979, 984 (8th Cir. 2006) (emphasis in original). For instance, a notary public may administer an oath. *See*, [Neb. Rev. Stat. § 25-1245](#); [In re Interest of Fedalina G.](#), 721 N.W.2d 638 (Neb. 2006).

The plaintiff's application is signed, but not sworn to. Therefore, it is insufficient to meet the requirements of [§ 1915\(a\)\(1\)](#) and [rule 3.3\(a\)](#). The plaintiff's application is denied without prejudice to the filing of another application, supported by a sworn poverty affidavit.

IT IS ORDERED that the plaintiff's Application to Proceed in Forma Pauperis, filing [2](#), is denied without prejudice.

Dated this 22nd day of February, 2012.

BY THE COURT:

*s/ John M. Gerrard*

John M. Gerrard

United States District Judge